



The Board discussed the outstanding conditions of the 2007 approval:

- A portion of the dwelling to be removed.
- Hot tub to be removed or relocated.
- Drive way to remain gravel
- Shed to be removed.

Mr. Kelly said Mr. Nufrio would like to keep the portion of the dwelling that was to be removed, and to leave the hot tub in the same location. He believes that with the purchase of the adjacent property, neither will encroach on any setbacks. He added that since the shed/lean too was removed, that condition has been satisfied. He said Mr. Nufrio would also request that the condition that the driveway was to remain gravel be amended to allow the driveway to be paved. Mr. Kelly asked Mr. Nufrio why the driveway was paved and it was Mr. Nufrio's testimony that several years ago a severe storm caused the driveway to erode. When neighbors were having their driveway paved, Mr. Nufrio had his paved. He added that two accidents have occurred, because vehicles leaving his driveway had no traction on the gravel, so for erosion and safety purposes he had the driveway paved. He said overall it is easier to maintain, and an improvement to the property. He said the contractor assured him that the grading and water run-off of the driveway did not change. Mr. Kaufhold said the reason the driveway was to remain gravel was to protect the lake from run-off, and he believes now that it is paved, water run-off to the lake has increased. Mr. Nufrio said the water runs off the driveway the same way it did when it was gravel. He said the water carries past the home and runs into the county drain. Ms. Raffay said it is her recollection that since the house was large, creating a lot of impervious coverage, the Board wanted to the driveway to remain gravel. Mr. Kelly said that the 2007 resolution did not mention that the driveway was to remain gravel. Mr. Senesky said that the resolution states that the house and site be constructed in accordance with the site plan, and the site plan depicts, "a gravel driveway". There was Board discussion about the driveway and drainage and Ms. Raffay said Mr. Nufrio should have come back to the Board for permission to deviate from a prior condition of the 2007 approval, and that an apron around the driveway would have been sufficient. Mr. Stoner agrees that the driveway may be difficult to exit but said the driveway was graded on the 2007 plans, and run off was to be directed to a natural swale which Mr. Stoner does not believe exists anymore. He said it is clear that a manmade channel is there to direct water to the lake.

Mr. Kelly introduced Mr. Nufrio's engineer, Mr. Michael O'Krepky. He provided his education and experience to the Board, and the Board accepted him as an expert in his field. Mr. O'Krepky reviewed the zoning table and Mr. Stoner commented that some of the 2007 requirements may have changed. Mr. O'Krepky said he agreed with most of Mr. Stoner's report dated Feb. 14, 2017, but the discrepancy with regards to lot disturbance was because Mr. O'Krepky said he did not include disturbance calculations from the skate ramp area, and shed/lean to area. Mr. O'Krepky added that he did not inspect the site, and that when drafting the Preliminary and Final Minor Site Plan submitted, dated 8/19/16, Mr. O'Krepky pulled information from the 2007 plan. Mr. Stoner said the building coverage may be in the allowable range because of the purchase and merger of the adjacent lot. Mr. Stoner added that driveway is wider than the plan shows, and the hot tub is not in the same location. Mr. Stoner would like the exact location of the hot tub to be depicted on the plan. Ms. Shimamoto asked if there is an updated plan for this site. Mr. Walsh agreed saying that areas of disturbance are in question, the width of the driveway is different, the existence of a channel on the property, etc., and he believes a site plan that accurately depicts the property should be provided. Mr. Stoner agreed that the lot disturbance calculation is incorrect, and some of the items relating to the southern side of the property are different. Mr. Stoner said normally this application would have been deemed incomplete but because of the history and length of time with this application the Board wanted the applicant to have the opportunity to discuss what is needed to conclude this matter.

There was discussion about the vegetative buffer, 5' in depth which was a condition in the 2007 resolution of approval. Chairman Shivas said that according to a memo issued by the Zoning Officer dated August 11, 2010; it states that a 5' vegetative buffer appears to be in place. It was also confirmed that the buffer was incorporated into the recorded deed, which also restricted the home to two bedrooms. Mr. Nufrio's testimony was that a vegetative buffer was planted along the edge of the lake and added that it does not extend to the property he recently purchased and merged. Mr. Chozick asked if the recently acquired lot has been disturbed. Mr. Nufrio said the lot remains wooded and undisturbed.

The Board confirmed what relief Mr. Nufrio is seeking tonight and what variances are required. Mr. Kelly reiterated that Mr. Nufrio would like to keep the portion of the dwelling that was to be removed, keep the driveway paved, and for the hot tub to remain in the same location as depicted on the 2007 plan. The variances would be relief from lot disturbance, and a front yard setback.

There was discussion about restoring the property that was disturbed, and the drainage of the property. Mr. Stoner said looking at the 2007 plan it appeared that the driveway runoff naturally flowed to a low area on the property and then to the lake. He presented Exhibit **B1** and **B2**, dated March 2, 2017, which are photos taken by Mr. Stoner showing a man made channel that directs water to the lake. Mr. Nufrio said they constructed the channel, which is lined with stone to collect debris, to direct the flow of water on the property. He said the County drain has not been touched, and Mr. Nufrio said they clean it periodically so water flows freely. Chairman Shivas opened to the public.

Mr. Joe Sabatini, Byram Township Manager, was sworn in and reminded the Board that at this time a Certificate of Occupancy has not been released, and that the last Temporary CO, issued in 2013 has since expired. He said that this time Mr. Nufrio is in violation with the construction office. Mr. Sabatini said that since this application has been ongoing for a great length of time, and with the issues that have gone on recently, such as remnants of the skate ramp, and shed on the property, Mr. Sabatini would ask the Board to apply dates to each condition so that the zoning officer has specific deadlines, and it is clear to Mr. Nufrio what, and when items must be completed. The Board agreed.

No one else from the public came forward. Chairman Shivas closed to the public.

Mr. Chozick agreed with Mr. Sabatini, and added that the disturbed areas to be restored should have a deadline. He added that the vegetative buffer may need to be repaired, upgraded or maintained. Mr. Stoner said it appears the property was tiered at one time and in one area steps were constructed, which should be removed, along with the railroad ties, and loose gravel and at the very least they should be brought back to lawn area. The Board recommends that areas where the shed, walkway, and where the skate ramp was located, be graded and seeded. Mr. Chozick felt the applicant should be required to add a vegetative buffer to the adjacent lot that was purchased.

Since there are so many discrepancies in the submitted plan, it was the consensus of the Board that a new site plan, which should include information referencing the as-built, be provided. Mr. Stoner said that the plan should show the lots merged, all drainage areas, and the conservation easement. He added that the plan should show debris on the lot, lot disturbance calculations and dates the debris will be removed. Mr. Kaufhold said since the driveway was paved, Mr. Nufrio should provide information to prove that run off is not an issue. There was discussion about the height of the building that was to be verified by the engineer. Mr. Stoner said since there is no record it was done, that the height should be certified on the as-built. Chairman Shivas said he would hope that much of the debris be removed before Mr. Nufrio returns to the Board. Mr. Walsh said since it may be difficult to restore the area to grass, maybe a condition that the grading be restored and the site plan to show areas that need completion, and the dates they will be completed.

Mr. Kelly asked what ordinance the remnants of the skate ramp on the property violate. Ms. Raffay said the property maintenance ordinance. Mr. Kelly did not agree.

A motion to carry this application to April 20, 2017, without further notice was made by Mr. Walsh. The motion was seconded by Mr. Morytko. The following vote was taken.

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion							√			
Seconded		√								
Aye		√	√	√	√		√	√	√	√
Nay										
Abstain										
Absent	√					√				

Motion carried.

**RESOLUTION**

Interpretation of Ordinance 20-2016 – Accessory Structure  
 Robert Freeman, Jr., Block 348 Lot 2, 101 Amity Road, R-2 Zone

A motion was made by Mr. Kaufhold and seconded by Mr. Morytko to approve the resolution as written.

The following vote was taken:

	Mr. Riley	Mr. Morytko	Mr. Chozick	Ms. Raffay	Mr. Kaufhold	Ms. Segal	Mr. Walsh	Mr. Gonzalez	Ms. Shimamoto	Chairman Shivas
Motion					√					
Seconded		√								
Aye		√			√					√
Nay										
Abstain										
Absent	√					√				

Motion carried.

**REPORTS FROM COMMITTEES**

Township Council – Ms. Raffay said the Council renewed the Junk yard, Quarry and Auto Wreckers license at the last meeting.

Environmental Commission- Ms. Shimamoto said an amphibian crossing on Waterloo Road occurred last week. She said the EC discussed QR Trail codes. The committee is planning an Arbor Day celebration, and they reviewed the Kuechenmeister application and provided comment.

Open Space – No meeting was held.

Board of Health – Ms. Segal was not present at the meeting.

Architectural Review Committee – No meeting held.

Ms. Shimamoto said there was a meeting about the Mansfield Dump site and there should be a decision in September on how they will remedy the nineteen homes affected by the TCE contamination. She mentioned that one resident may hook into the East Brookwood Water Company and said that the water company is considering privatizing. If they do, and the DEP decides that the nineteen homes with the contamination hook up with the East Brookwood Water Company they will have to use the well that is currently closed. Ms. Shimamoto said if this well is opened it may affect the Quick Chek application because of the well head protection area. She believes the Quick Chek location falls within that protected area. Mr. Stoner said that a well head protection area does not prohibit construction. Ms. Shimamoto said the concern would be possible contamination if a gas station was within the 200’.

**BILLS**

Harold E. Pellow & Associates Inc. (4 bills) \$1,005.19

A motion was made by Mr. Walsh, the motion was seconded by Mr. Morytko to approve Mr. Stoner’s bills. All were in favor. Motion carried.

**OPEN TO THE PUBLIC**

Chairman Shivas opened to the public. No one from the public came forward. Chairman Shivas closed to the public.

ADJOURNMENT

A motion to adjourn the meeting was made at 10:32 p.m.by Mr. Walsh, and seconded by Mr. Morytko. All were in favor. Motion carried. The meeting was adjourned.

Respectfully submitted: Cheryl White